

## REMARKS

After entry of this amendment, claims 1-77 will be pending for the Examiner's review and consideration. The Applicant would first like to thank the Examiner for allowance of claims 22-67. The Office Action dated March 16, 2004 has been carefully considered. Claims 1 and 68 have been amended without prejudice to make explicit, what was already implicit and thus, no estoppel effect should be given to the amended claims. No new matter has been added. Reconsideration and allowance of the present application in view of the above amendments and the following remarks is respectfully requested.

In the Office Action dated March 16, 2004, the Examiner:

- rejected claims 1-8, 17-18, and 20-21 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,199,865 to Liang ("Liang");
- rejected claims 68-72 and 74-77 under 35 U.S.C. § 102(a and/or e) as being anticipated by United States Patent No. 6,213,759 to Sung ("Sung");
- rejected claims 9-13 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Liang in view of Sung;
- rejected claims 9-14 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Liang in view of United States Patent No. 4,870,314 to Hefling ("Hefling");
- rejected claim 73 under 35 U.S.C. § 103(a) as being unpatentable over Sung;
- objected to claims 15 and 16 as being dependent upon a rejected base claim, but otherwise allowable if rewritten in independent form; and
- allowed claims 22-67.

### Independent Claim 1

Independent claim 1 has been rejected under 35 U.S.C. § 102(b) as being anticipated by Liang. Independent claim 1 recites, *inter alia*, a lighter comprising an actuating member moveable to selectively ignite the fuel and a moveable wand assembly associated with the housing and operatively associated with the actuating member such that when the wand assembly is in a first position, the wand assembly contacts the actuating member such that the actuating member is prevented from moving a distance sufficient to ignite the fuel. Independent claim 1 has been amended to make explicit, what was already implicit, *i.e.*, that the wand assembly contacts the actuating member such that the actuating member is prevented from moving a distance sufficient to ignite the fuel. Thus, no estoppel

effect should be given to the amended claim. There is no disclosure, teaching, or suggestion in Liang of a moveable wand assembly associated with the housing and operatively associated with the actuating member such that when the wand assembly is in a first position, the wand assembly contacts the actuating member such that the actuating member is prevented from moving a distance sufficient to ignite the fuel.

Rather, Liang discloses a foldable safety lighter having a rotating nozzle and a control knob, *i.e.*, a moveable actuating member for releasing and igniting fuel. There is no disclosure in the Liang device of any contact between the rotating nozzle and the control knob, such that the rotating nozzle is capable of preventing the control knob from moving a distance sufficient to ignite the fuel. Liang simply discloses a rotating nozzle that in a first position obstructs access to the control knob thereby making it more difficult for one to depress the control knob to release and ignite the fuel. That is, in Liang, the rotating nozzle does not contact the actuating member such that the actuating member is prevented from moving a distance sufficient to ignite the fuel. Rather, it merely blocks access to the control knob. Therefore, it is respectfully submitted that Liang does not disclose, teach, or suggest all of the elements of independent claim 1. Thus, it is respectfully submitted that independent claim 1 is allowable over the cited prior art. Withdrawal of this rejection and allowance of independent claim 1 is respectfully requested.

Claims 2-14 and 17-21 all ultimately depend from independent claim 1, and thus, it is respectfully submitted that these claims are equally allowable. Withdrawal of these rejections and allowance of claims 2-14 and 17-21 is therefore respectfully requested.

#### **Independent Claim 68**

Independent claim 68 has been rejected under 35 U.S.C. § 102(a and/or e) as being anticipated by Sung. Independent claim 68 recites a lighter comprising a wand assembly; a conduit for transporting fuel from the supply to the nozzle, wherein at least a portion of the conduit is exposed to the transported fuel and wherein a lead from the ignition assembly for igniting fuel at the nozzle is disposed within the conduit. Independent claim 68 has been amended to make explicit, what was already implicit. Thus, no estoppel effect should be given to the amended claim. There is no disclosure, teaching, or suggestion in Sung of a lighter having a conduit for transporting fuel from the supply to the nozzle, wherein at least a portion of the conduit is exposed to the transported fuel and wherein a lead from the ignition assembly for igniting fuel at the nozzle is disposed within the conduit. Sung simply fails to

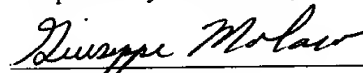
disclose, teach, or suggest a conduit for transporting fuel wherein at least a portion of the conduit is exposed to the transported fuel and wherein a lead from the ignition assembly for igniting fuel at the nozzle is disposed within the conduit. Therefore, it is respectfully submitted that Sung does not disclose, teach, or suggest all of the elements of independent claim 68. Thus, it is respectfully submitted that independent claim 68 is allowable over the cited prior art. Withdrawal of this rejection and allowance of independent claim 68 is respectfully requested.

Claims 69-77 all ultimately depend from independent claim 68, and thus, it is respectfully submitted that these claims are equally allowable. Withdrawal of these rejections and allowance of claims 69-77 is therefore respectfully requested.

In light of the above amendments and remarks, it is respectfully submitted that claims 1-77 are now in condition for allowance, and the Examiner is respectfully requested to reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at 212-790-6348, if a telephone call could help resolve any remaining issues.

Date: May 12, 2004

Respectfully submitted,



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